IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

CRL.A.No. 501 of 2002()

ST.416/1999 of CHIEF JUDICIAL MAGISTRATE COURT, KOZHIKODE
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APPELLANT: COMPLAINANT

A.M.ABDUL SAMAD,S/O.MUHAMMED KOYA,
MANAGING PARTNER, 'HOME ROWS' 19/1789,
KALLAI ROAD.

BY ADV. SMT.P.A.REZIYA

RESPONDENTS: ACCUSED & STATE
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1. P.M.MOIDEEN (KUNHIMOIDEEN) S/O.IBRAHIM,
KOLLERKANDI HOUSE, P.O.MOOLAD,VELLIYOOR,
NADUVANNUR,KOZHIKODE DISTRICT.

2. STATE OF KERALA REP.BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.501 of 2002(C)

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Dated this the 7th day of September, 2007

J U D G M E N T

The appellant is the complainant in S.T.No.416/1999 in the file of the Chief Judicial Magistrate, Kozhikode, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(i) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned due to unavoidable circumstances.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 08/10/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

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Crl.A.No.501 of 2002(C)

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J U D G M E N T

7th September, 2007